



General Assembly

January Session, 2007

Amendment

LCO No. 9022

SB0093809022HR0

Offered by:

REP. GREENE, 105th Dist.

To: Subst. Senate Bill No. 938

File No. 69

Cal. No. 664

**"AN ACT CONCERNING A STUDY OF LIMITING THE PURCHASE
OF HANDGUNS TO ONE PER MONTH."**

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective October 1, 2007*) (a) A persistent firearms
4 offender is a person who stands convicted of a felony involving the use
5 or possession of a firearm or deadly weapon, as defined in section 53a-
6 3 of the general statutes, or a pistol or revolver, as defined in section
7 29-27 of the general statutes, and has been, prior to the commission of
8 the present crime, convicted of an offense involving the use or
9 possession of a firearm or a pistol or revolver.

10 (b) When any person has been found to be a persistent firearms
11 offender, and the court is of the opinion that such person's history and
12 character and the nature and circumstances of such person's criminal
13 conduct indicate that extended incarceration will best serve the public
14 interest, the court, in lieu of imposing the sentence authorized by
15 section 53a-35a of the general statutes for the crime of which the

16 person presently stands convicted, may impose the sentence of
17 imprisonment authorized by said section for the next more serious
18 degree of felony, provided the sentence imposed may not be less than
19 two years and provided further two years of the sentence so imposed
20 may not be suspended or reduced by the court.

21 Sec. 502. Subsection (b) of section 29-37 of the general statutes is
22 repealed and the following is substituted in lieu thereof (*Effective*
23 *October 1, 2007*):

24 (b) Any person violating any provision of subsection (a) of section
25 29-35, for a first offense, may be fined not more than one thousand
26 dollars and shall be imprisoned not less than one year [nor] or more
27 than five years, and, in the absence of any mitigating circumstances as
28 determined by the court, one year of the sentence imposed may not be
29 suspended or reduced by the court, and, for any subsequent offense,
30 may be fined not more than five thousand dollars and shall be
31 imprisoned not less than two years or more than ten years and two
32 years of the sentence imposed may not be suspended or reduced by
33 the court. The court shall specifically state the mitigating
34 circumstances, or the absence thereof, in writing for the record. Any
35 pistol or revolver found in the possession of any person in violation of
36 any provision of subsection (a) of section 29-35 shall be forfeited.

37 Sec. 503. Section 53a-217 of the general statutes is repealed and the
38 following is substituted in lieu thereof (*Effective October 1, 2007*):

39 (a) A person is guilty of criminal possession of a firearm or
40 electronic defense weapon when such person possesses a firearm or
41 electronic defense weapon and (1) has been convicted of a felony, (2)
42 has been convicted as delinquent for the commission of a serious
43 juvenile offense, as defined in section 46b-120, (3) knows that such
44 person is subject to (A) a restraining or protective order of a court of
45 this state that has been issued against such person, after notice and an
46 opportunity to be heard has been provided to such person, in a case
47 involving the use, attempted use or threatened use of physical force

48 against another person, or (B) a foreign order of protection, as defined
49 in section 46b-15a, that has been issued against such person in a case
50 involving the use, attempted use or threatened use of physical force
51 against another person, (4) knows that such person is subject to a
52 firearms seizure order issued pursuant to subsection (d) of section 29-
53 38c after notice and an opportunity to be heard has been provided to
54 such person, or (5) is prohibited from shipping, transporting,
55 possessing or receiving a firearm pursuant to 18 USC 922(g)(4). For the
56 purposes of this section, "convicted" means having a judgment of
57 conviction entered by a court of competent jurisdiction.

58 (b) Criminal possession of a firearm or electronic defense weapon is,
59 for a first offense, a class [D] C felony, for which two years of the
60 sentence imposed may not be suspended or reduced by the court, and,
61 for any subsequent offense, a class B felony, for which five years of the
62 sentence imposed may not be suspended or reduced by the court.

63 Sec. 504. Section 53a-217c of the general statutes is repealed and the
64 following is substituted in lieu thereof (*Effective October 1, 2007*):

65 (a) A person is guilty of criminal possession of a pistol or revolver
66 when such person possesses a pistol or revolver, as defined in section
67 29-27, and (1) has been convicted of a felony or of a violation of
68 subsection (c) of section 21a-279 or section 53a-58, 53a-61, 53a-61a, 53a-
69 62, 53a-63, 53a-96, 53a-175, 53a-176, 53a-178 or 53a-181d, (2) has been
70 convicted as delinquent for the commission of a serious juvenile
71 offense, as defined in section 46b-120, (3) has been discharged from
72 custody within the preceding twenty years after having been found
73 not guilty of a crime by reason of mental disease or defect pursuant to
74 section 53a-13, (4) has been confined in a hospital for persons with
75 psychiatric disabilities, as defined in section 17a-495, within the
76 preceding twelve months by order of a probate court, (5) knows that
77 such person is subject to (A) a restraining or protective order of a court
78 of this state that has been issued against such person, after notice and
79 an opportunity to be heard has been provided to such person, in a case
80 involving the use, attempted use or threatened use of physical force

81 against another person, or (B) a foreign order of protection, as defined
82 in section 46b-15a, that has been issued against such person in a case
83 involving the use, attempted use or threatened use of physical force
84 against another person, (6) knows that such person is subject to a
85 firearms seizure order issued pursuant to subsection (d) of section 29-
86 38c after notice and an opportunity to be heard has been provided to
87 such person, (7) is prohibited from shipping, transporting, possessing
88 or receiving a firearm pursuant to 18 USC 922(g)(4), or (8) is an alien
89 illegally or unlawfully in the United States. For the purposes of this
90 section, "convicted" means having a judgment of conviction entered by
91 a court of competent jurisdiction.

92 (b) Criminal possession of a pistol or revolver is, for a first offense, a
93 class [D] C felony and, for any subsequent offense, a class B felony."